

**Civil Justice Reform Task Force
Steering Committee Minutes
December 03, 2010
Conference Call**

I. Attendance

Members of the Steering committee participating in the conference call included Justice Hecht, Randall Shanks, Laurie Dore, John Whiston, Gerald Denning, Tom Drew, and Michael Jacobs. Timothy Eckley was also on the call.

II. Subcommittee Updates

A. Litigation Management Subcommittee: The Litigation Management Subcommittee submitted suggested questions for the task force survey. Several committee subtopics are being researched, including areas relating to use of video conferencing technology, allowing jurors to ask questions during trials, guaranteeing a date certain for trial, and eliminating findings of fact and conclusions of law in certain bench trials.

B. Discovery Subcommittee: The Discovery Subcommittee has formed three subgroups, two of which have already met, to study implementing automatic initial disclosures, discovery limitations, and matters relating to electronic discovery. The entire Discovery Subcommittee is scheduled to meet January 6, 2011, from 11:00 a.m. to 5:00 p.m., at the Judicial Branch Building, room 116. Subcommittee members who cannot attend in person will participate by phone.

C. Pre-Trial Procedures Subcommittee: The Pre-Trial Procedures Subcommittee held its initial meeting on November 19. The subcommittee formed three subgroups, all of which have met, to consider a potential separate “fast track” civil system for certain cases, jury issues, and uniform procedures. The Subcommittee has scheduled full meetings for December 16, 2010, and January 21, 2011.

D. Court-Annexed Alternative Dispute Resolution Subcommittee: The Court-Annexed ADR subcommittee met on November 23. The subcommittee has formed three subgroups to study areas including mandatory mediation, the role of the court in ADR, and training and certification of ADR providers. The subcommittee has circulated to its members materials on arbitration systems for review and discussion. The subcommittee plans an in-person meeting on December 9 in Des Moines.

E. Specialty Courts and Rules Subcommittee: There was no report from the Specialty Courts and Rules Subcommittee.

III. Survey

Staff continues to incorporate subcommittee suggestions into the draft survey instrument. The survey in draft form is too long and staff is working on reducing the overall length, eliminating overlap, and tightening up the wording of questions and question format.

A tentative timeline for issuing the survey was discussed with a target survey issue date in mid-to late-February, a three week duration for responding to the survey, and survey results and analysis circulated to the Task Force Steering Committee prior to the next full Task Force meeting in the Spring of 2011. This rough timeline will allow time to refine the survey after

consultation with the Institute for the Advancement of the American Legal System, members of the Steering Committee, and others. The timeline should also permit a test group to complete the survey after sampling decisions have been made. The importance of the survey and a request for broad participation will be communicated to Iowa lawyers and judges in mid-January. A final reminder and request for participation will go out about a week before the survey is actually implemented. Concern was expressed as to whether the survey timeline will allow subcommittees to formulate reform proposals prior to the Spring 2011 full task force meeting. It may be necessary to schedule that meeting in April rather than March as previously contemplated.

VI. Next meeting

Subcommittee progress and timing of the survey will influence the date of the next meeting. Staff will circulate information regarding potential dates for the next Steering Committee and full Task Force meetings.